

1 **AMENDMENTS**

2 **In the Drawings**

3 The Examiner Objects to the drawings as failing to comply with 35 CFR
4 1.84(p)(5) because they do not include reference sign(s) mentioned in the description;
5 65[0009] and [0014] and because they include the following reference character(s) not
6 mentioned in the description: Figures 1 and 2: 21, 30, 45.

7 Figures 3, 4, 5 and 6 have been revised to show reference sign 64. Figures 1 and 2
8 have been revised eliminating reference signs 21, 30 and 45.

9 Replacement sheets are included with the EFS submittal.

10 Your applicant respectfully requests the Examiner to withdraw the Objections and
11 to allow the claims as submitted or amended.

12
13 **In the Claims**

14 1. (Currently amended) A Ceiling or Wall Apparatus for Reducing Condensation in
15 Controlled Atmosphere Buildings comprising:

16 a. at least one insulating board means (7) having a first top surface (9) and an
17 exterior surface (4); the exterior surface (4) in atmosphere communication with the
18 interior of a building (20); the building having a ceiling (32) with an apex (36) and a
19 width d1 (38) from the ceiling apex (36) to a wall (40); the wall (40) at an interior wall
20 surface (42) having a height d2 (48) from a building foundation (24) to the ceiling (32);

21 b. at least one heating means (60), composed of heat tape (60) or a fluid heat
22 transfer system means (60), in thermal communication with and affixed by heating means
23 (60) affixing means (62) to the first top surface (9);

24 c. the first top surface (9) affixed by construction means to [a] the ceiling (32)
25 and or to [a] the wall (40); where to [a] the ceiling (32) at an interior ceiling surface
26 (34); the at least one insulating board means (7) having a width d5 (33) which is less than
27 or equal to the ceiling width d1 (38); where to [a] the wall (40) at an interior wall surface
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(42); the at least one insulating board means (7) having a height d6 (43) which is less than or equal to the wall (40) height d2 (48);

d. at least one power means (65) connected by at least one power interconnection means (64) with the at least one heating means (60) to operate the at least one heating means (60) and at least one temperature control means (70) to control the at least one power means (65) for temperature control of the at least one heating means (60).

2. (Currently amended) A Ceiling or Wall Apparatus for Reducing Condensation in Controlled Atmosphere Buildings of Claim 1 further comprising:

a. the at least one insulating board means (7) comprised of a first insulating board means (7) having a first top surface (9) and an exterior surface (4) and a second insulating board means (14) having a bottom surface (11) and a second top surface (12); the exterior surface (4) is moisture resistant;

b. the at least one ~~heating means (60)~~ heat tape (60) or a fluid heat transfer system means (60) affixed by heating means (60) affixing means (62) to the first top surface (9) or the bottom surface (11);

c. the first top surface (9) affixed by insulating board affixing means to the bottom surface (11);

d. the second top surface (12) affixed by construction means to a ceiling (32) at an interior ceiling surface (34) or to a wall (40) at an interior wall surface (42).

3. (Original) A Ceiling or Wall Apparatus for Reducing Condensation in Controlled Atmosphere Buildings of Claim 2 further comprising:

a. the at least one insulating board means (7) comprising the first insulating board means (7) and the second insulating board means (14) is composed of insulation board;

b. ceiling insulation means (80) intermediate the second insulating board means (7) at the second top surface (12) and the interior ceiling surface (34).

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1 4. (Currently amended) A Ceiling or Wall Apparatus for Reducing Condensation in
2 Controlled Atmosphere Buildings of Claim 3 further comprising:

3 a. ~~the at least one heating means (60) composed of heat tape (60) or a fluid heat~~
4 ~~transfer system means (60);~~

5 a. [b.] the at least one power means (65) composed of electrical power (65) or
6 fluid heat means;

7 b. [c.] the at least one temperature control means (70) composed of thermostatic
8 control means (70) having at least one temperature sensing means (75) received between
9 at the first top surface (9) or between the first top surface (9) and the bottom surface (11)
10 and in temperature control communication with the power means (65).

11
12 5. (Currently amended) A Ceiling or Wall Apparatus for Reducing Condensation in
13 Controlled Atmosphere Buildings of Claim 4 further comprising:

14 a. the at least one ~~heating means (60) composed of~~ heat tape (60) or a fluid heat
15 transfer system means (60) arranged, at the ceiling (32) to the first top surface (9) or the
16 bottom surface (11); to the first top surface (9) or the bottom surface (11) in a serpentine
17 or sinusoidal arrangement;

18 b. the at least one heating means (60), at the ceiling (32), having a period p1 (39)
19 and an amplitude d3 (34) of a width less than or equal to the ceiling width d1 (38); the
20 heating means (60), at the wall (40), having a period p1 (39) and an amplitude d4 (49) of
21 a height less than or equal to the height d2 (48) of the wall (40) at the interior wall surface
22 (42);

23 c. insulation board is rigid insulation board; the first top surface (9) affixed flush
24 against the bottom surface (11) such as to minimize space between said first top surface
25 (9) and the bottom surface (11).

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27 6. (Currently amended) A Method for Reducing Ceiling or Wall Condensation in
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1 Controlled Atmosphere Buildings of by use of the Apparatus of Claim 1 further
2 comprising:

3 a. affixing at least one insulating board means (7) at a ceiling (32) and or a wall
4 (40) of an interior (22) of a building (20); the ceiling (32) having an apex (36) and a
5 width d1 (38) from the ceiling apex (36) to the wall (40); the wall (40) at an interior wall
6 surface (42) having a height d2 (48) from a building foundation (24) to the ceiling (32);
7 the at least one insulating board means (7) having a first top surface (9) and an exterior
8 surface (4); the exterior surface (4) in atmosphere communication with the interior (22);

9 b. heating the at least one insulating board means (7) with a heating means (60),
10 composed of heat tape (60) or a fluid heat transfer system means (60), in thermal
11 communication with and affixed by heating means (60) affixing means (62) to the first
12 top surface (9);

13 c. affixing by construction means, the first top surface (9) to a ceiling (32) and or a
14 wall (40); affixing the first top surface (9) to a ceiling (32) at an interior ceiling surface
15 (34) where the at least one insulating board means (7) having a width d5 (33) which is
16 less than or equal to the ceiling width d1 (38); affixing the first top surface (9) to a wall
17 (40) at an interior wall surface (42) with the at least one insulating board means (7)
18 having a height d6 (43) which is less than or equal to the wall (40) height d6 (43);

19 e. supplying power means (65) connected by power interconnection means (64)
20 with heating means (60) to operate the heating means (60) and providing temperature
21 control means (70) to control the power means (65) for temperature control of the heating
22 means (60).

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24 7. (Original) A Method for Reducing Ceiling or Wall Condensation in Controlled
25 Atmosphere Buildings of by use of the Apparatus of Claim 6 further comprising:

26 a. forming the at least one insulating board means (7) of a first insulating board
27 means (7) having a first top surface (9) and an exterior surface (4) and a second insulating
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board means (14) having a bottom surface (11) and a second top surface (12); the exterior surface (4) is moisture resistant;

b. affixing the heating means (60) by heating means (60) affixing means (62) to the first top surface (9) or the bottom surface (11);

c. affixing the first top surface (9) by insulating board affixing means to the bottom surface (11);

d. affixing the second top surface (12) by construction means to a ceiling (32) at an interior ceiling surface (34) or to a wall (40) at an interior wall surface (42).

8. (Original) A Method for Reducing Ceiling or Wall Condensation in Controlled Atmosphere Buildings of by use of the Apparatus of Claim 7 further comprising:

a. forming the at least one insulating board means (7) comprising the first insulating board means (7) and the second insulating board means (14) of insulation board;

b. adding ceiling insulation means (80) intermediate the second insulating board means (7) at the second top surface (12) and the interior ceiling surface (34).

9. (Original) A Method for Reducing Ceiling or Wall Condensation in Controlled Atmosphere Buildings of by use of the Apparatus of Claim 8 further comprising:

a. providing insulation board of polyisocyanurate rigid insulation board;

b. providing heating means (60) composed of heat tape (60) or a fluid heat transfer system means (60);

b. providing power means (65) composed of electrical power (65) or fluid heat means;

c. providing temperature control means (70) composed of thermostatic control means (70) having a temperature sensing means (75) received between at the first top surface (9) or between the first top surface (9) and the bottom surface (11) and in

temperature control communication with the power means (65).

10. (Original) A Method for Reducing Ceiling or Wall Condensation in Controlled Atmosphere Buildings of by use of the Apparatus of Claim 9 further comprising:

a. arranging the heating means (60) composed of heat tape (60) or a fluid heat transfer system means (60), at the ceiling (32) to the first top surface (9) or the bottom surface (11); to the first top surface (9) or the bottom surface (11) in a serpentine or sinusoidal arrangement;

b. establishing the arrangement of the heating means (60), at the ceiling (32), to have a period p_1 (39) and an amplitude d_3 (34) of a width less than or equal to the ceiling width d_1 (38);

c. establishing the arrangement of the heating means (60), at the wall (40), having a period p_1 (39) and an amplitude d_4 (49) of a height less than or equal to the height d_2 (48) of the wall (40) at the interior wall surface (42).

REMARKS

Response to The Examiner's Action of June 29, 2007

A. Claim Rejections under 35 USC 103(b)

A brief statement of law re: 35 U.S.C. 103: The absence of a feature similar to the feature or features of the present invention are respectfully argued as references which teach away from the disclosed and claimed invention and thus are not appropriately a basis of rejection under 103. *KSR Intern. Co. v. Teleflex Inc.* 127 S.Ct. 1727, 1733 (U.S. 2007); *In re Gurley* 27 F.3d 551 at 553 (1994 cafc). In general a reference will teach away if the line of development flowing from the references disclosure is unlikely to be productive of the result sought by the applicant.

"A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the

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